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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,787	01/02/2001	Christer Fahraeus	0460/63465/	4222

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EXAMINER

DASTOURI, MEHRDAD

ART UNIT	PAPER NUMBER
2623	7

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/673,787

Applicant(s)

FAHRAEUS, CHRISTER

Examiner

Mehrdad Dastouri

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 4-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.
3. If applicant desires priority under 35 U.S.C. 119(e) based upon a previously filed provisional application, specific reference to the earlier filed application must be made in the instant application following the title of the invention or as the first sentence of the specification.

Drawings

4. Figure 2 is objected to under 37 CFR 1.84 (n) and (o) because it fails to provide descriptive label for boxes numbered 6, 8, 20 and 22-27.

Claim Objections- Improper Multiple Dependent

5. Claims 4-11 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4-11 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

((b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamanari et al (U.S. 5,025,484).

Regarding Claim 1, Yamanari et al disclose a device for recording information, comprising a sensor for recording a primary image of the information (Figures 1, Scanner 2; Column 3, Lines 22-39), characterized by a display for showing a secondary image which constitutes at least part of the primary image (Figure 5; Column 2, Lines 46-52; Column 3, Lines 16-39), and control means, with the aid of which a user can define on which sub-image of the primary image an operation is to be performed (Figures 1, 3 and 5; Column 3, Lines 16-67. Figure 5(a) depicts the primary image. The secondary image is the read field 26.).

Regarding Claim 2, Yamanari et al further discloses a device according to Claim 1, wherein the sensor is an area sensor (Figure 1, Scanner 2).

Regarding Claim 3, Yamanari et al further discloses a device according to Claim 1 or 2, wherein the control means are adapted to alter, while being actuated by the user, the relationship between the primary and the secondary image so that that part of the primary image which is shown as the secondary image on the display changes (Figures 1, 3 and 5; Column 3, Lines 16-67. The read field 26 will be changed to correct the reject character and any overlapping in the display area.).

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With regards to Claim 12, arguments analogous to those presented for Claims 1 and 3 are applicable to Claim 12.

With regards to Claim 13, arguments analogous to those presented for Claim 1 are applicable to Claim 13.

Other prior art cited

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,081,629 to Browning is cited for hand-held scanner and accompanying remote access agent.

U.S. Patent 5,574,804 to Olschafskie et al is cited for hand-held scanner.

U.S. Patent 5,638,466 to Rokusek is cited for method and apparatus for deskewing image of symbols having a non-linear baseline.

Contact Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehrdad Dastouri whose telephone number is (703) 305-2438. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703) 308-6604.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular and for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center Customer Service Office whose telephone number is (703) 305-4700.

**MEHRDAD DASTOURI
PRIMARY EXAMINER**



Mehrdad Dastouri
Primary Examiner
Group Art Unit 2623
October 7, 2003